

1
2
3 The Honorable Marsha J. Pechman
4
5
6
7
8

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9
10 YASMINE MAHONE, an individual, and) CASE NO. 2:22-CV-00594-MJP
11 BRANDON TOLE, an individual, on behalf of)
themselves and all others similarly situated,)
12 Plaintiffs,) PLAINTIFFS' MOTION TO SEAL
13 vs.) UNREDACTED EXHIBITS 2-9
14 AMAZON.COM, INC., a Delaware) ATTACHED TO THE
corporation, AMAZON.COM SERVICES) SUPPLEMENTAL DECLARATION
15 LLC; a Delaware Limited Liability Company;) OF GENE J. STONEBARGER IN
and AMAZON.COM.DEDC, LLC; a) SUPPORT OF PLAINTIFFS' MOTION
16 Delaware Limited Liability Company; and) FOR CLASS CERTIFICATION
AMAZON.COM.KYDC, LLC, a Delaware)
17 Limited Liability Company)
18 Defendants.)
19
20
21
22
23
24
25
26
27

1 Pursuant to Local Civil Rule 5(g) and the Protective Order issued by this Court on February
 2 14, 2023 (ECF No. 48), Plaintiffs YASMINE MAHONE and BRANDON TOLE (“Plaintiffs”)
 3 respectfully request the Court to Seal Exhibits 2-9 attached to the Supplemental Declaration of
 4 Gene J. Stonebarger in Support of Plaintiffs’ Motion for Class Certification filed concurrently
 5 herewith, and previously marked as “Confidential” by Amazon.

6 Plaintiffs do not believe that any documents should need to be filed Under Seal, and believe
 7 the Only material properly designated a “Confidential” is any personal and financial information
 8 regarding any of Amazon’s current or former employees. In Plaintiffs’ view, Amazon has stated
 9 no basis to support the “Confidential” designation regarding any of the documents produced or of
 10 the deposition testimony so designated.

11 Plaintiffs have met and conferred with all Amazon in an attempt to reach agreement on the
 12 need to file document under seal which Amazon has designated as “Confidential”, to minimize the
 13 amount of material filed under seal, and to explore redaction and other alternatives to filing under
 14 seal.

15 The Parties also met and conferred regarding a potential omnibus motion to seal on October
 16 9-10, 2003, which was ultimately not agreed upon. On October 10, 2023, after technical difficulties
 17 in planned conference call failed, Plaintiffs reiterated their request by email for Amazon to
 18 “identify the basis for sealing the specific confidential information at issue” pursuant to the
 19 Protective Order [Doc. 48] at Para. 4.3, which provides as follows:

20 Filing Confidential Material. Before filing confidential material or discussing or
 21 referencing such material in court filings, the filing party shall confer with the
 22 designating party, in accordance with Local Civil Rule 5(g)(3)(A), to determine
 23 whether the designating party will remove the confidential designation, whether the
 24 document can be redacted, or whether a motion to seal or stipulation and proposed
 25 order is warranted. During the meet and confer process, the designating party must
 26 identify the basis for sealing the specific confidential information at issue, and the
 27 filing party shall include this basis in its motion to seal, along with any objection to
 sealing the information at issue. Local Civil Rule 5(g) sets forth the procedures that
 must be followed and the standards that will be applied when a party seeks
 permission from the court to file material under seal. A party who seeks to maintain
 the confidentiality of its information must satisfy the requirements of Local Civil
 Rule 5(g)(3)(B), even if it is not the party filing the motion to seal.

1
 2 Further, in compliance with the Meet and Confer Requirements of LRC 5(g)(1) Plaintiffs
 3 requested that Amazon withdraw the confidential designation on its productions or agree to redact
 4 any truly “Confidential” portions of a document (subject to Plaintiffs’ agreement) so that sealing
 5 is unnecessary.

6 Amazon responded on October 11, 2023 stating its position that the Protective Order
 7 defines “Confidential Material” much more broadly and allows for protection of the subject
 8 documents.

9 “Confidential’ material shall include the following documents and tangible things
 10 produced or otherwise exchanged: any personal, financial, or medical information, Testimony, and
 11 Documents of Defendants, Plaintiffs, and/or any current or former employees of Defendants, or
 12 other information that implicates the personal privacy of Plaintiffs, and/or any current or former
 13 employees of Defendants, proprietary business information, or competitively sensitive
 14 information, including Defendants’ military leave policy, Defendants’ human resources policies,
 15 metrics specific to Defendants’ operations management, and other Testimony, Documents or
 16 information that contain non-public, private or sensitive information that requires the protections
 17 provided in this Stipulation.” Dkt. 48 at § 2.2.

18 Amazon contends that many of the documents produced and testimony provided by
 19 Amazon’s witnesses involves proprietary business operations information that Amazon
 20 intentionally does not release to the public (which include Exhibits 2-9 of the Supplemental
 21 Declaration of Gene J. Stonebarger in Support of Plaintiffs’ Motion for Class Certification).
 22 Amazon believes these materials have been properly designated.

23 ///

24 ///

25 ///

26 ///

27 ///

1 DATED January 5, 2024
2
3

4 s/ Gene J. Stonebarger
5 Gene J. Stonebarger (*admitted hac vice*)
6 STONEBARGER LAW, APC
7 101 Parkshore Dr., Suite 100
8 Folsom, CA 95630
9 Tel: 916-235-7140
10 Email: gstonebarger@stonebargerlaw.com

11
12 WSBA 35815
13 Daniel Kalish, Esq.
14 HKM Employment Attorneys LLP
15 600 Stewart Street, Suite 901
16 Seattle, WA 98101
17 Telephone: 206-838-2504
18 Email: dkalish@hkm.com

19
20 Brian J. Lawler (*admitted pro hac vice*)
21 PILOT LAW, P.C.
22 4632 Mt. Gaywas Dr.
23 San Diego, CA 92117
24 Tel: 619-255-2398
25 Email: blawler@pilotlawcorp.com

26
27 Kevin L. Wilson (*admitted pro hac vice*)
28 KEVIN WILSON LAW PLLC
29 3110 Horton Avenue
30 Louisville, KY 40220
31 Telephone: 502-276-5050
32 Email: kevin@kwilsonlaw.com

33
34 *Counsel for Plaintiffs*
35 and the Proposed Putative Classes

CERTIFICATE OF SERVICE

I certify that on January 5, 2024, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send a notification of the filing to all registered users of the CM/ECF system.

Dated: January 5, 2024

s/ Gene J. Stonebarger
Gene J. Stonebarger